

Vale of Aylesbury Local Plan 2013-2033 examination

Interim findings 29 August 2018

- 1) At the end of the hearing sessions which concluded just over a month ago, I undertook to write to the Council by the end of the first week in September with my interim findings. This document fulfils that undertaking. It is not a discussion document. It sets out what I think the Council needs to do to make the plan sound in addition to the modifications to which the Council has already agreed in its responses to my questions. I do not repeat all of those in this document. This document does not provide a definitive list of all the modifications which I think are needed to make the plan sound but it identifies broad areas where further work is necessary to arrive at those modifications.
- 2) There is much that is sound in VALP. Although the settlement strategy needs some detailed adjustment, the general approach based on an understanding of capacity rather than an arbitrary imposition of a percentage of growth on all settlements has been welcomed by all participants in the examination and I endorse that approach. I consider that the Sustainability Appraisal has been adequate so far, although further appraisal work may be needed consequent on the recommendations I make.
- 3) Likewise, it is clear that the Duty to Cooperate has been addressed satisfactorily since the withdrawal of the earlier version of the plan in 2014. Although some participants in the examination remain dissatisfied with the outcomes in some instances, I have no doubts about the adequacy of the process followed. Furthermore, it is clear that attention has been paid to comments made by the Inspector considering the withdrawn Core Strategy in 2010, concerning the approach to the distribution of development in and around Aylesbury town.
- 4) Nevertheless, I have sufficient concerns to advise you that VALP requires some further work before it can be found sound.

Early review

- 5) Firstly, I am severely troubled by an approach which envisages that the plan will need to be reviewed soon after adoption. Whilst Inspectors are generally willing to find a plan sound where one or two finite issues remain unresolved and are relatively peripheral to the main thrust of the plan, it appears that the consequences of an impending government decision on the route of the Oxford-

Cambridge expressway are expected to lead to a fundamental review of the plan's development strategy.

- 6) To be sound a plan must be positively prepared. A particularly encouraging element of the plan is the way it proposes to deal with the impending closure of RAF Halton. During the examination, the Council defended its approach by writing; "While there may be some uncertainty over the exact process for closure and all parties still await further detail, we cannot afford to ignore Government announcements and any development potential that results from them. It is after all better to plan positively for change rather than suffering the effects of an ad-hoc approach to the probable redevelopment of the camp." The same sentiments apply with equal force to the announcements about the Cam-MK-Ox growth arc.
- 7) Predictable events should be planned for. Both Heathrow expansion and the Oxford-Cambridge expressway are predictable, known, events. Only the route of the latter is not yet fixed. To be sound, VALP should make contingency plans to accommodate them, not simply abandon its function to a future review of uncertain timescale.
- 8) About half of the growth expected to result from the implementation of the Cam-MK-Ox growth arc is expected to take place in existing settlements. Their location is, by definition, existing, and therefore, known. In my consideration of housing numbers I make recommendations for the plan to take account of that now, as it does already in respect of employment land.
- 9) For the known unknown of the route of the Oxford-Cambridge expressway, it would be surprising if the Council did not already have contingency plans for whichever route is chosen. Those contingency plans should be included in VALP as contingencies. If a decision is announced on the route while the Council is preparing its Modifications to the plan then a firmer view can be taken. That should make the plan more robust, less dependent on an early review, and hence sound.

The housing requirement

- 10) Whilst I have no doubt that the identification of the Central Buckinghamshire HMA as the "best fit" for the collection and analysis of data is the most pragmatic administrative arrangement, it is necessary not to lose sight of three facts;
 - Actual housing markets continue to function irrespective of whatever surrogate HMA is chosen for the basis of data collection and analysis.
 - Approximately one-fifth (in terms of population) and about one-third (in terms of area) of Aylesbury Vale District falls outside the "best fit" HMA and so is likely to experience the

market forces of a different HMA to that analysed in the evidence base.

- The identification of self-contained travel to work areas using 2011 census data showed that the majority of Buckinghamshire (and Aylesbury Vale) outside the influence of Milton Keynes forms part of a London travel to work area and that the influence of London had to be excluded in order to define the local housing market areas outside its influence. Nevertheless, in practice that influence will remain.
- 11) For these three reasons I would have expected specific checks and adjustments to be made to the calculations based on the "best fit" HMA analysis to reflect the influence of the London Housing Market area on the part of Aylesbury Vale so affected and also to reflect the different characteristics of the Milton Keynes HMA in the part of Aylesbury Vale which falls outside the Central Bucks (and London) Housing Market Areas and within the Milton Keynes HMA. Other than a general exhortation of the need for Aylesbury Vale District Council to maintain dialogue with Milton Keynes, Oxford and areas to the north of London as well as the Mayor of London through the Greater London Authority, these checks and adjustments do not appear to have been made.
 - 12) Although I am convinced by the Council's explanations of its adjustments to the population estimates at the start of the projections I am not fully convinced by the Council's population projection figures in every respect.
 - 13) In contrast to official projections which are based on recent (five-year) migration trends, the Council's projections are a range based on two ten-year trends, one more robustly founded on census data 2001-2011, the other based on more recent data 2005-2015. The Council adopts the higher of the two as the basis of its housing need for the plan period.
 - 14) The Council bases its calculations on a ten-year migration trend because that is considered to iron out short term fluctuations to produce projections which are more stable. Be that as it may, the particular ten-year period used, whether 2001-2011 or 2005-2015, includes the years following the financial crisis of 2008 which are commonly recognised to be, not a short-term fluctuation, but a major interruption to long-term trends which will have depressed the average migration rate for whatever period includes the fall-out of that event. I am therefore not convinced that sufficient migration has been accommodated within the Council's forecasts for the Central Buckinghamshire Housing Market Area but there is little objective evidence submitted to the examination on which to base a precise alternative figure.
 - 15) To some extent, migration is a self-fulfilling prophecy, in that the supply of housing can induce migration within a given travel to work area just as it can affect household formation rates. Given the identified relationship between the Central Buckinghamshire Housing Market Area as defined, the wider London Housing Market

Area with which it overlaps and the Milton Keynes Housing Market Area which prevails in the northern part of Aylesbury Vale district, this consideration is likely to be relevant to Aylesbury Vale.

- 16) Therefore, rather than requiring the Council to re-run its population and household projections for the whole of the Housing Market Area on different migration presumptions I prefer to “wrap up” the effects of this consideration when taking into account the effects of other uplifts in the calculation of housing requirements for Aylesbury Vale, so that, in effect, additional migration figures become more of an output from the process than an input to it.
- 17) At the time the evidence base was prepared there was no definitive guidance on what level of uplift for affordability is appropriate. Reference is made to professional judgments made by other examining Inspectors such as at Eastleigh and comparisons made between affordability in Eastleigh and affordability in the Central Buckinghamshire Housing Market Area to arrive at a recommendation for the Central Buckinghamshire HMA. Comparisons are also made within the Buckinghamshire HMA to arrive at different recommendations for Aylesbury Vale and for the rest of the HMA.
- 18) But, if these recommendations are tabulated, it becomes clear that the uplift recommended for VALP in comparison with Eastleigh is too low:

Location	Affordability ratio	National comparison	Uplift recommended
England	7x		
Eastleigh	8.6x	20% higher	10%
Aylesbury Vale	10.4x	50% higher	10%
Bucks HMA	12.1x	75% higher	15%
Rest of HMA	13.9x	100% higher	20%

- 19) The disconnect between the affordability ratio, the national comparison and the uplift recommended for Aylesbury Vale is obvious. An affordability ratio for Eastleigh 20% higher than the national average leads to a recommendation for a 10% uplift. An affordability ratio for Aylesbury Vale 30% higher still leads to no further recommended uplift yet an affordability ratio for the Buckinghamshire HMA only 25% higher leads to an uplift 5% higher as does the increase in the affordability ratio for the rest of the HMA excluding Aylesbury Vale. Even if the 20% uplift for the rest of the HMA is correct, the uplift for VALP should be 15% to be in proportion with that recommended for Eastleigh and that for the whole HMA should be about 17-18%. Moreover, more recent evidence shows the differences between Aylesbury Vale and the rest of the Housing Market Area decreasing which suggests that the uplift for VALP should more likely be 20% than 15%.

- 20) Subsequent to the preparation of the HEDNA, a report from LPEG to the Communities Secretary and to the Minister of Housing and Planning March 2016 offers recommended systematic adjustments for market signals to replace the system of professional judgement used at Eastleigh and other local plan examinations thitherto. Application of this methodology would set a 25% uplift for market signals in Aylesbury Vale.
- 21) In contrast to its provisions for the supply and retention of employment land, VALP makes no allowance for the effects of the Cambridge – Milton Keynes – Oxford (Cam-MK-Ox) growth Arc. The National Infrastructure Commission’s report Partnering for Prosperity: a new deal for the Cambridge-Milton Keynes-Oxford Arc is not included in VALP’s evidence base but it is referenced in government policy both in the Autumn Budget November 2017 and in a policy paper, Helping the Cambridge-Milton Keynes-Oxford corridor reach its potential also published in November 2017.
- 22) This last records that the government’s vision for the corridor is to stimulate economic growth in the national interest. It notes estimates by the NIC that, with the right interventions, annual output of the corridor in 2050 could be approximately double the growth expected without intervention. Although 2050 is well beyond the end date of VALP the effects of the growth corridor can be expected to start to be experienced before then and so, as VALP does with Employment Land it is justified for VALP to take it into account. But it is inconsistent and therefore unsound, to take it into account selectively for part of VALP dealing with employment land but not for the part of VALP dealing with housing land.
- 23) It is fair for the Council to point out, as it does, that the government’s full response to the NIC report has yet to be published and that the selection of the broad corridor for the east-west expressway is not due to be made until later in the year and the precise route not until after that. But, the government’s general response to the NIC report was made in the Autumn Budget statement 2017 and, whichever route is eventually chosen for the east-west expressway will not alter the NIC’s central finding that rates of house building will need to double if the arc is to achieve its economic potential.
- 24) The government’s policy paper invites local partners within the corridor to work with it on agreeing a more detailed, ambitious corridor-wide vision in 2018. VALP will not have been positively prepared if it does not encompass the Council’s contribution to that work, not just in the realm of employment land but also in the realm of housing development.
- 25) The emphasis of the NIC’s report is on new settlements. I accept that the Council may not yet be in a position to respond definitively to this aspect of the NIC’s report but it should have contingency plans in place. In any event, the NIC report also points out that new settlements will not, on their own, be sufficient to meet future housing needs. They would account for less than half

of the homes required to support the arc's future workforce. Greater levels of development will be required within and around the arc's existing towns and cities. These locations are already known. As that work should already be in hand, there does not appear to be any good reason why it should not be included in VALP now, rather than wait any number of years for a future review of the plan to include what would, by then, be a decision taken in the past.

- 26) For all the above reasons I conclude that there needs to be a higher uplift to the baseline housing need so as to arrive at the full objectively assessed need for Aylesbury Vale. Taking account of my observations on migration rates, response to market signals and allowance for the early effects of the Cambridge – Milton Keynes – Oxford growth arc, I conclude that this should be at least 20% and probably 25%. It would follow that the OAN for Aylesbury Vale (before considerations of unmet need from other local authorities is taken into account) would be (rounded) at least 22,800, probably 23,600.
- 27) Examination does not lead me to conclude that the plan as a whole, or the housing numbers proposed within it, would be undeliverable. In consequence, that does not lead me to conclude that the plan would be unsound because of an inability to deliver the housing proposed. The plan includes a buffer of 5.2% to allow for uncertainties. This seems a reasonable allowance to make. Added to my previous findings of 22,800-23,600 for demographic projections including uplifts, 8,000 for unmet needs from elsewhere in the HMA, a buffer of 5.2% would result in a housing requirement figure of 32,400 - 33,300 dwellings over the plan period.
- 28) These do not all have to be included in the plan as allocations now. NPPF paragraph 47 requires the Council
- to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing (with an additional buffer of 5% moved forward from a later period)
 - to identify a supply of specific, developable sites or broad locations for growth for years 6-10 and,
 - where possible, identify a supply of specific, developable sites or broad locations for growth for years 6-10

As noted above, I accept that it may not be possible for the Council to identify new settlements (which would account for less than half of the homes required to support the Cam-MK-Ox arc's future workforce) and these may be left to a future review of the plan but I consider that it should be possible for the Council to identify specific allocations sufficient to meet a housing requirement figure of 32,400 which would go part way towards meeting the full housing requirement of 33,300 for the plan period. **I conclude that the plan should be modified to set a figure of 33,300 as the housing requirement.**

Spatial development strategy

- 29) As opposed to its principles, which I largely endorse, the sense of the application of the spatial strategy in practice can be seen by reference to the existing sizes of settlements, their new allocations for housing development and their expected development (including commitments) over the plan period :

Settlement	Population	allocation	development
Milton Keynes	229,941 (outside district)	14%	8%
Aylesbury	58,740 (34% of district)	60%	57%
Buckingham	12,043 (7% of district)	7%	8%
Wendover	7,399 (4% of district)	8%	4%
Haddenham	4,502 (3% of district)	2%	4%
Winslow	4,407 (3% of district)	5%	4%
Larger villages	} 49%	{ 1%	7%
Medium villages	} of	{ 2%	4%
Smaller villages and other	} district	{ 0%	2%

- 30) Although Leighton Buzzard (population c37,000) immediately adjoins Aylesbury Vale on the east side of the district, the spatial strategy does not propose to take advantage of its facilities or connectivity by allocating sites for development there. Other things being equal, an allocation for development comparable to that of Buckingham might have been expected. Instead, the land in Aylesbury Vale which is contiguous to the built-up area of Leighton Buzzard is proposed as an extension to the Metropolitan Green Belt.
- 31) In the past, the location west of Leighton-Linslade has been recognised in general terms as an appropriate location for growth. But it has since been considered and rejected as a location for growth by Central Bedfordshire District Council preparing its Development Strategy in 2012 (subsequently withdrawn). I note an apparent intention to limit the outward growth of Leighton-Linslade. There is no request from Central Bedfordshire for VALP to accommodate any of the housing or other growth requirements of Leighton-Linslade which are apparently proposed to be met within Central Bedfordshire itself.
- 32) On the information currently before me there is no consideration which would lead me to conclude other than that the proposed extension of Green Belt into Aylesbury Vale is soundly based. I have no reason to find this choice unsound; simply, remarkable. However, I would rather not reach a final conclusion until the Council has considered the need to identify further

development sites within Aylesbury Vale following my examination of its housing requirements.

- 33) Equally remarkable in this strategy is the disproportionate dominance of Aylesbury, the disproportionately small role of Milton Keynes and the disproportionately small role of villages. I do not question the dominance of Aylesbury in the south of the District.

Milton Keynes

- 34) Although I conclude that the 24-28% of development expected to occur in the northern half of the District is not necessarily disproportionately low or unsound, it is fair to observe that analysis of the housing trajectory shows that delivery in the north of the district peaks in 2023/4, then tails off, with no allocations expected to deliver towards the end of the plan period.
- 35) What is surprising is that within the northern half of the district the roles of Buckingham, Winslow and Milton Keynes are relatively equal in the anticipated distribution of development. Milton Keynes, the dominant settlement, is not expected to dominate the development strategy. This contrasts with the south of the district where the strategy concentrates most development around the dominant settlement, Aylesbury. Yet all three of the northern settlements lie within the Milton Keynes Travel to Work Area and the Milton Keynes Housing Market Area.
- 36) Whilst accepting that the Buckingham and Winslow Neighbourhood Plans seek to make those towns much more self-contained communities and recognising that all settlements must be allowed to grow to retain their vitality and viability, the contrast between the north of the district where the dominant settlement is not allowed to dominate the development strategy and the south of the district where the dominant settlement is encouraged to dominate the development strategy is startling. It is hard to escape the conclusion expressed by several representations that the spatial strategy in the north of the district would lead to increased lengths of commuting flows to and from Milton Keynes.
- 37) This would be contrary to national policy expressed in paragraph 34 of the NPPF which advises that plans should ensure that developments which generate significant movement are located where the need to travel will be minimised. It is therefore unsound. **A modification to the plan is required to redress the balance, by increasing allocations in close proximity to Milton Keynes.** For reasons summarised earlier, I reach the conclusion that insufficient land has been identified for housing and that additional allocations need to be made. This inevitably means revisiting the decision which led to the spatial development strategy known as option 3 in the Sustainability Appraisal being selected for VALP and so gives rise to an opportunity to redress the balance of the chosen spatial development strategy in the north of the district.

Villages

- 38) Although policies D2 and D3 do not preclude growth in settlements on sites not allocated, supporting text in paragraphs 4.122, 4.145 and 4.154 appears to do so. **Modifications are necessary to eliminate the inconsistencies** and to allow continued growth even after the next five years or so. The Council also accepted that **a modification to policy D2, to make it clear that it is in two parts, is necessary for clarity (and hence, effectiveness). I agree with that and the need to redraft criterion (c) to remove internal inconsistency and to be consistent with the footnote of policy H2. The Council also needs to consider whether modifications to policies D2 and D3 are necessary for them to comply with national policy set out in NPPF paragraph 54.**
- 39) Although the HELAA process by which allocations were identified took account of the provision of facilities and services within each settlement, it did not take account of the potential for sites to contribute to the support or provision of such services or facilities. In similar fashion, the classification of villages into their position in the settlement hierarchy was based on a snapshot in time, recording facilities and services as they existed at a particular moment. It does not take into account the potential for settlements to acquire improved facilities or services as a result of development taking place or proposed to take place.
- 40) I understand and concur with the Council's point that a development which could make much difference to the services and facilities a village has to offer might well have to be so large that it would overwhelm the capacity of the village to accommodate the development. I also concur with the point made in response to my Q86 that a dispersed settlement strategy in which all of the Council's housing needs would be met in a dispersed way would be inappropriate as it would require dispersed infrastructure provision and a dispersal of and an increase in travel movements to access essential services which would not be an effective or sustainable approach.
- 41) Nevertheless, without questioning the general soundness of the Council's capacity-led approach to identifying allocations (which received widespread support) or the general thrust of its spatial distribution strategy, I do consider that **further work needs to be done at the margins of this approach to ensure that the vitality of rural communities can be maintained or enhanced in the way envisaged by NPPF paragraphs 54 and 55 ; firstly, to identify those allocations which could positively support the sustainability credentials of a particular village either where the prospects of continued retention of its services or facilities are marginal or where the capacity of its existing services and facilities to support further development are marginal and secondly, also to take account of that potential in the classification of villages within the settlement hierarchy (in other words, to take account of a settlement's**

need for further development in order to support services and facilities). Although by themselves these are points of improvement to the Council's basic approach rather than ones which demonstrate its unsoundness, they would be matters for the Council to pursue in responding to my findings elsewhere that the quantity of housing allocations in the plan is unsound.

- 42) My analysis of the relationship between VALP and neighbourhood plans shows that, although the relationship is sound, VALP does not give much incentive for further neighbourhood plans to come forward. **In my view, to give Neighbourhood Plans for villages the explicit task of identifying development opportunities which would sustain or improve their position in the development hierarchy or which would provide affordable housing in those villages which need it would go some way towards alleviating the concerns I have about the role of villages in VALP's spatial distribution strategy.** Although this too is a matter of improvement to the plan's basic approach rather than a matter of unsoundness it will assist the Council in responding to my basic concerns about the soundness of the spatial strategy and the housing requirement.

Compliance with national policy

- 43) By and large, my assessment of the submitted plan identified general compliance with the policy coverage required by the NPPF but with the following specific concerns:

- Identifying the provision of infrastructure (NPPF paragraphs 7 and 70)
- Clarity and predictability (NPPF paras 15 and 17 (bullet 1))
- Plan for a mix of housing to meet the needs of different groups in the community (NPPF paragraph 50)
- Robust and comprehensible policies on design (NPPF paragraph 58)
- Robust and up to date assessments of open space needs (NPPF paragraph 73)
- Positive strategy towards historic assets (NPPF paragraph 126)

Subsequent correspondence with the Council largely assuaged the last two of these concerns but the others remain.

Infrastructure

- 44) **Many responses to my Questions made reference to provisions within the Infrastructure Delivery Plan. This reveals that the latter makes many provisions relating to the functional requirements for development which VALP does**

not. Such inconsistency would render VALP unsound if not corrected and so a number of modifications are necessary to do so.

- 45) At first glance, VALP has just seven policies concerned with transport and no proposals. Two of these, T2 and T3 are safeguarding policies. One, T4 requires developments to mitigate their own transport effects. Two others, T5 and T7 set standards for parking and electric vehicle charging points. Elsewhere I note that it is unsound for these to be delegated to spd, as this policy does. One further policy protects footpath and cycle routes (with considerable overlap with policy C4).
- 46) On closer inspection, policies T1 and T6(a) require developments to implement the proposals in the Buckinghamshire Local Transport Plan 4, the Aylesbury Transport Strategy, the Buckingham Transport Strategy and any county-side or local cycle strategy. Yet, none of these proposals are specified in the plan. Nor have they been subject to the public consultation procedures specified for local plans. The Buckinghamshire Local Transport Plan 4 is not even part of the evidence base for VALP.
- 47) NPPF paragraph 7 is quite clear that it is the role of the planning system, amongst other things, to identify and coordinate development requirements, including the provision of infrastructure. National Guidance advises that the Local Plan should make clear what is intended to happen in the area over the life of the plan, where and when this will occur and how it will be delivered. It points out the need to identify the short, medium and long-term transport proposals across all modes as a key issue in developing the transport evidence base to support the local plan.
- 48) It advises that the Local Plan should make clear, for at least the first 5 years, what infrastructure is required, who is going to fund and provide it and how it relates to the anticipated rate and phasing of development. The detail concerning planned infrastructure provision can be set out in a supporting document such as an infrastructure delivery programme that can be updated regularly. However the key infrastructure requirements on which delivery of the plan depends should be contained in the Local Plan itself. VALP does not do this and so is unsound as it stands.
- 49) In a number of instances, individual allocations provide an insight into what is proposed in these various external transport plans and strategies. Allocations AGT1, AGT2, AGT3, AGT4, AGT6 all refer to the provision of various link roads around Aylesbury, NLV001 requires various highway improvements and reservations connected with Milton Keynes and during a hearing session it became apparent that BUC051 is dependent on a road proposal contained within the Buckingham Transport Strategy but nowhere mentioned in VALP. It is not clear whether there remain other proposals, included in the various transport strategies but not shown in VALP, to which developments would need to comply or implement in accordance with policies T1, T2 and T3. **Work needs**

to be done to identify specific proposals contained within the Buckinghamshire Local Transport Plan 4, the Aylesbury Transport Strategy and the Buckingham Transport Strategy and translate these into the plan as modifications in order to make it sound.

- 50) If, in the modifications which the Council should prepare in response to my recommendations, it is decided to show what could be interpreted as a precise alignment, the Council will need to bear in mind NPPF paragraph 152. This advises that significant impacts on any of the dimensions of sustainable development should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. NPPF paragraph 182 advises that to be justified a plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.
- 51) Section 19 of the Planning and Compulsory Purchase Act 2004 requires a local planning authority to carry out a sustainability appraisal of each of the proposals in a local plan during its preparation and s39 of the same act requires that the local planning authority must do so with the objective of contributing to the objective of sustainable development. Sustainability appraisals incorporate the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 including the selection and evaluation of reasonable alternatives but do not need to be done in any more detail, or using more resources, than is considered to be appropriate for the content and level of detail in the Local Plan.
- 52) Representations argued that one of the three alignments of the link road within allocation AGT3, shown not within VALP but within the evidence base, was the most appropriate because it had least effect on the functional flood plain. It is not for me to carry out a Sustainability Appraisal in the first instance; that is for the Council. But I observe that the route favoured by that representation, whilst minimising the length of road passing through the flood plain would also have the consequential effect of reducing the extent of land not in the flood plain available for housing and so the choice of the most appropriate strategy is not necessarily straightforward. **In whatever way the Council chooses to represent this proposal within VALP it needs to be clear that it has complied with the relevant regulations and explicit as to its reasons.**

Clarity and predictability

- 53) In a number of cases, policy requirements are found, not within the policies themselves but within supporting text. This would not be effective. **As previously agreed with the Council, a number of modifications are necessary to translate policy requirements from supporting text into policies themselves.**
- 54) VALP contains a plethora of policies which touch upon one or more aspects of design. A common feature of many (not all) of these policies is that they rely excessively on supplementary

planning documents for their meaning or effect, in some cases requiring adherence to a supplementary planning document, many of which have yet to be prepared.

55) The test which I apply is one of effectiveness; if a policy is sufficient of itself to inform a developer or a local authority's development manager that a proposal ought or ought not to be given planning permission, then it is effective and has been soundly prepared. But if it is necessary, having read the policy, still to refer to another document, such as spd, to reach that conclusion, then it follows that the policy is not effective and has not been soundly prepared. Too many of the design policies in VALP fall into this latter category.

56) **In addition to the suggested changes to supplementary planning document references set out in Examination Document 129, the Council needs to revisit policies D1 (Aylesbury Garden Town), H6 (Housing Mix), T5 (vehicle parking), BE2 (Design of New Development), BE3 (protection of residents' amenity) BE4 (Density of new development), I1(Green Infrastructure), I2 (sports and recreation) and all of the site allocation policies to identify those elements of their supporting text and related spds which set policy requirements or standards and which therefore need to be brought into the plan itself through Modifications. Supporting text will also need to be revised to match.** In respect of many of the site allocation policies, this may obviate the need for an spd or masterplan outside of VALP, in addition to the omission of references to an overarching Garden Town masterplan to which the council has already agreed.

A mix of housing

57) NPPF paragraph 50 advises that local planning authorities should plan for a mix of housing based on the needs of different groups in the community. Examples include families with children, older people and people with disabilities. Policy H6 seeks to follow this advice with four policy elements. The first is related to housing types and sizes, the second to a requirement for self-contained extra care dwellings as part of housing schemes of more than 100 dwellings in strategic settlements (Milton Keynes, Aylesbury, Buckingham, Winslow Wendover and Haddenham), the third to encourage extra care housing, specialist housing for older people and for supported housing generally within all residential schemes and the fourth to a requirement that all residential development should be accessible and adaptable (Category 2 in the terms of Building Regulations Approved Document M) and that a percentage should be Category 3.

58) The element of the policy relating to housing types and sizes is uncontroversial. I consider that the Council's approach to dwelling mix set out in the first part of policy H6 is sound.

59) The same cannot be said of the remaining parts of policy H6. Although VALP paragraphs 5.57 to 5.61 summarise the section of

the HEDNA which analyses the housing needs of older people and which quotes from national Guidance identifying separate categories of sheltered, enhanced sheltered, extra care and registered care housing as well as residential institutions (Use Class C2) and also quotes the 2012 Housing Our Ageing Population report which differentiates between mainstream housing, specialised housing and Care Homes, policy H6 itself does not seem to recognise that specialised housing and Care Homes cannot simply be “peppercotted” as a percentage of general mainstream housing but need to be provided collectively in institutional or quasi-institutional groupings with a substantial critical mass sufficient to pay for the support services which are provided.

- 60) The threshold case of a 100-dwelling development could not provide sufficient critical mass for institutional or quasi institutional housing to be provided as a percentage of general needs housing. Nor, if provided as a percentage of general needs housing would there be a sufficient number of developments of sufficient size to provide for the number of sheltered housing schemes likely to be needed. In some cases they will need specific allocations of land. Paragraph 5.59 of the plan notes the HEDNA’s forecast of an increase in the institutional population of 1,160 people, suggesting a need for an additional 10-20 such institutions but VALP appears to provide for only two (as parts of allocations AGT3 and AGT4). Nor does it appear to include any allocations or policy provision for sheltered housing schemes or any of the other categories of non-mainstream housing for older people described in national Guidance. Consequently, it does not demonstrate that it provides for these housing needs of older people and so is unsound in that respect. **The Council needs to revisit this part of policy H6.**
- 61) In response to my Q22 the Council accepted that the final part of policy H6 required modification on the grounds that it is not possible to require a percentage of dwellings to conform to category 3 of Building Regulations approved document M whilst at the same time requiring 100% of dwellings to comply with category 2 of the same document. If it is the case that the categories are mutually inconsistent (ie that a category 3 dwelling cannot simultaneously be a category 2 dwelling) then clearly a **modification** is necessary. Moreover, national Guidance advises that local plan policies for wheelchair accessible (Category 3) homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling, so it would be contrary to national policy to seek a proportion of category 3 dwellings in housing other than affordable housing to which the local authority has nomination rights.
- 62) It is fair to say that only a percentage of the population will need either a Category 2 or Category 3 dwelling and that requirements which apply to new build housing will do nothing to make existing housing suitable for people who have special needs. But new housing will only ever comprise a percentage of the total housing stock. To get to a position where the total housing stock

offers an appropriate percentage of Category 2 or Category 3 housing requires a disproportionately high percentage of new housing to be so provided.

- 63) However, national Guidance advises that the Building Regulations for Category 2 or 3 dwellings require step-free access which precludes their provision in multi-storey flatted development without lifts. Lifts are not required and may not be viable in low-rise flatted developments so national Guidance advises that in such cases, neither of the optional requirements in part M should be applied. **Compliance with national policy is a soundness test and so a modification is required to policy H6 to except low rise flatted developments above the ground floor from the requirement for Category 2 housing.**
- 64) National Guidance advises that local planning authorities should plan for sufficient student accommodation whether it consists of communal halls of residence or self-contained dwellings and whether or not it is on campus. Whilst recognising that the evidence base acknowledges that about 1.5% of the private rented sector are occupied by students and that this element of student housing will be encompassed by generally applicable housing policies, it is remarkable that VALP includes no specific provision for other kinds of student housing which are differentiated in planning terms, despite the existence of a University (the Independent University of Buckingham) within the district. **In advance of receiving a response to my late question on this subject, I recommend that the Council considers whether explicit provision for student housing needs to be made.**

Employment policies

- 65) The Council's response to my question 84 in respect of Gatehouse Industrial Estate refers to its Employment Land Review and its recommendations that, over time, there is potential for further rationalisation of employment uses at Gatehouse Industrial Estate to introduce a greater mix of uses. The Council also tells me that this has been addressed with retail and housing developments being permitted. This being so suggests that there is an inconsistency between, on the one hand, the Council's evidence base and its development management practice and, on the other hand the application of policy E1 to the Gatehouse Industrial Estate.
- 66) By contrast, the Employment Land Review Update identifies Rabans Lane as providing good quality industrial accommodation. It advises that policy could seek to retain the land for employment use. Its identification as a Key Employment Site is therefore justified by the supporting evidence notwithstanding the Council's own proposal for 200 dwellings on allocation AYL115.
- 67) **I therefore recommend that the Council considers a further Main Modification, either to refine the boundary of**

the Gatehouse Industrial Estate shown on the policies map so as to reflect the further potential for rationalisation identified in its Employment Land Review, or to define a policy applicable to the estate which reflects its development management practice, or to exclude the Gatehouse Industrial Estate from Table 9 and policy E1.

Site allocations

- 68) It was established during the hearing sessions that **the requirement for on-site health facilities on allocations AGT1 and 3 needs to be reviewed in favour of a shared facility on allocation AGT4.**
- 69) **The area of “Not built development” within the part of site allocation AGT3 covering the northern half of Weston Mead Farm does not appear to be justified and should be replaced by an indication of the requirement for the Aylesbury Linear Park.**
- 70) I commend the Council for its positively prepared response to the government’s announcement of the closure of RAF Halton. The proposed closure of the RAF base, commencing in 2020 and due to be complete by 2022 clearly puts the future of designated and non-designated heritage assets at risk. It is therefore fully justified for the plan to be positively prepared in setting out a strategy for the protection and re-use of these assets even though the outcome may not come fully on-stream until the later years of the plan period. However, as the Council freely accepts in its response to my Q21, that is not what allocation HAL003 does in its present form. **A modification to add specific criteria relating to the heritage assets should be included in the policy. The Council accepted at the hearing session, and I agree, that the hints of a future review of Green Belt boundaries in the supporting text to allocation HAL003 (RAF Halton) are inappropriate. Likewise, reference to green infrastructure in the site-specific requirements of allocation HAL003 (RAF Halton) should be more specific about the retention of the extremely good sports facilities currently provided onsite.**
- 71) The details of VALP allocation STO008 are not supported by the evidence base. A masterplan, prepared by the intending developer of the site, demonstrates that potential exists for the development of a considerably larger number of dwellings whilst providing public open space and retaining boundary vegetation around the larger site as recommended by the HELAA. Amongst other matters, NPPF paragraph 58 advises that planning policies should aim to ensure that developments optimise the potential of the site to accommodate development. **I am convinced that allocation STO008, as submitted, would not do this and so a modification is necessary to bring the plan into line with national policy.**

Conclusion

72) At the end of the hearing sessions, I offered the opinion that VALP is capable of being made sound. That remains my opinion. I requested the Council to confirm that they wished me to work towards a report which would recommend the modifications which would render it sound. The Council did so orally, though I still await the written confirmation of that request. These interim findings, together with matters agreed following my questions prior to the hearing sessions are intended to help the Council work towards producing a series of main modifications to the plan. **I now look forward to receiving the Council's written request to work towards a final report which would recommend the modifications to render VALP sound.** Following receipt of that I would be pleased to work with the Council to help draft an agreed set of modifications before they are subject to SA and HRA (as far as necessary) and then published for consultation.

P. W. Clark

Inspector

29.08.18